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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,472	01/28/2000	James P. Mitchell	00CR063/KE	2281
Kyle Eppel ROCKWELL COLLINS INC ATTN: Kyle Eppel 400 Collins Road N.E. Cedar Rapids, IA 52498				
7590 09/03/2009				
EXAMINER				
SHANG, ANNAN Q				
ART UNIT		PAPER NUMBER		
2424				
MAIL DATE		DELIVERY MODE		
09/03/2009		PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/493,472
Filing Date: January 28, 2000
Appellant(s): MITCHELL, JAMES P.

KARL F. REICHENBERBER
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/09/09 and 04/20/09 appealing from the
Office action mailed 07/11/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,201,797	LEUCA ET AL	3-2001
5,524,272	PODOWSKI ET AL	12-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1A. Claims 1-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Leuca et al (6,201,797)** in view of **Podowski et al (5,524,272)**.

Regarding claims 1, 12, 13, and 17, **Leuca** discloses a communication system (figs. 1 and 2) for a mobile platform (Airborne), the mobile platform being stationary at a docking area, the communication system comprising:

A server located in ground-based station (figs 1, 2, col.3, line 18-44 and col.4, line 27-61) and comprising a wireless transceiver, a first satellite receiver, and first storage unit, the server (Server 33) being configured to store order data received by the first satellite, and to store video data received by the first satellite receiver in the storage unit in response to the order wire data (col.2, line 58-col.3, line 20 and line 31-col.6, line 14),

A satellite receiver on the mobile platform (Aircraft 40); a wireless docking area transceiver; a wireless platform transceiver; a wireless platform transceiver on the

mobile platform receiving order wire data and video data from the wireless docking area transceiver while the mobile platform is at the docking area; and a storage unit (server 12), the storage unit being located on the mobile platform, the wireless docking area transceiver providing the video data and the order wire data to the wireless platform transceiver while the mobile platform is at the docking area, where the storage unit stores the video data for playback in the mobile platform and the storage unit storing the order wire data, the order wire data controls a source of video playback of a program being either video data in the storage unit or the satellite receiver, or both the storage unit and the satellite receiver (col.2, line 58-col.3, line 20 and line 31-col.6, line 14), note that Leuca discloses a two-way data communication between a mobile platform (Airborne 40, helicopter, space vehicle, etc.) and data terminal station 11 (PC or Laptop computer) and a ground-based data station (Internet), using available air-to-ground bandwidth...the same air-to-ground channel is used for multiplexing data packets from different concurrent user data sessions (requesting or ordering and receiving requested data see col.2, lines 48-57). Leuca further discloses a data server (located on the aircraft)...(API) used...for interacting (user sessions...requesting or ordering, channel changing, etc. and receiving the requested data (Internet data, audio, video, textual and multimedia content available) with the data server and the source of data (see col.1, lines 62-65, col.2, line 58-col.3, line 44 and col.5, line 49-col.6, line 24). The user performing these interactions (channel changing, etc.) controls a source of data (video, etc.) for playback of a program

Leuca, teaches a ground-based station, but fails to explicitly teach the claimed limitation docking area for receiving order wire and video data from a distribution center, and communicates data to the mobile platform while the mobile platform is at the docking area.

In analogous art, **Podowski** discloses a docking area [terminal] for a mobile platform [aircraft] (see fig. 1) at which various entertainment and control data are communicated from a distribution center to said mobile platform (see cols. 2-3). Located in the docking area is a server, [41] (fig. 4; col. 3, 11.40-45) comprising a satellite receiver [42] and a storage unit [44] (fig. 4) for storing video data and other data received by the satellite receiver [42] (col. 5, 11.5-35) and subsequently relaying said data to the mobile platform while the mobile platform is at the docking area (col. 6, 11.22-38). In response to information transmitted therewith, the server buffers information packages provided by the distribution center until said information is to be transferred to its respective mobile platform (col. 5, 11.40-53), thereby simplifying the distribution process as experienced by the distribution center (col. 3, 11.54-63).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Podowski into the system of Leuca to provide a docking area and a server to store order wire data and video data received by the satellite receiver in the storage unit in response to the order wire data, thereby simplifying the distribution of said data by the distribution system.

As to claims 2, 9, 10, 11, 15, 18, 22, and 25-27, Leuca and Podowski, disclose the communication system of claims 1, 13, and 17. In addition, Leuca further discloses

the video data includes Internet data, message data, entertainment data (col.2, line 58-col.3, line 20 and line 31-col.6, line 14).

As to claims 3, 6, 14, and 19 are met as discussed in claims 1, 12, 13 and 17.

As to claims 4 and 20, Leuca and Podowski further disclose where the communication system is wireless docking transceiver is a short-range transceiver (col.3, lines 18-30).

As to claim 5, Leuca and Podowski further disclose where wireless platform transceiver is a radio frequency short range transceiver (col.3, lines 18-30).

As to claims 7 and 23, Leuca and Podowski further disclose where the mobile platform is a boat (col.2, lines 48-66).

Regarding claims 8 and 24, Leuca and Podowski fail to explicitly disclose the mobile platform is a road vehicle.

Official notice is taken of the fact that it is well known in the art to incorporate passenger entertainment systems in road vehicles (e.g., buses), for the purpose of providing passengers with video entertainment and other interactive services.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system and method of Leuca and Podowski in a road vehicle, for the purpose of providing enhanced interactive entertainment services to the passengers.

Regarding claims 16, 21, and 30, Leuca and Podowski discloses the wireless platform transceiver transmits mobile platform operational data to the wireless docking area transceiver (col.2, line 58-col.3, line 20 and line 31-col.6, line 14).

Regarding claim 28, Leuca discloses the control information includes identity information (TCP/IP communication protocol is employed), communications between the mobile platform and the airport wireless link comprise identity information (col.5, line 29-col.6, line 25).

Regarding claim 29, Leuca discloses the control information includes destination information communications between the mobile platform and the airport wireless link comprise destination, i.e., address information (col.5, line 29-col.6, line 25).

(10) Response to Argument

The Examiner respectfully disagrees that the rejection should be reversed. Appellant discusses the prior arts of record, the claimed invention, the specification, cites various portions of MPEP as to obviousness to combine references and argues that (see page 7+ of Appellant's Brief) "...Claims...not properly rejected under...103(a) over Leuca in view of Podowski..." that "...Leuca and Podowski do not disclose order wire data that controls a source of video for playback of a program" that "...do not disclose that a source of video may be video data in the storage unit on the mobile platform, video data from a satellite receiver on the mobile platform, or both" that "...do not disclose that the order wire data is received by satellite receiver in a docking area." that "...do not disclose a server located in a docking area and configured to store the order wire data received by the satellite receiver at the docking area." that "...do not disclose a server configured to store video data received by the satellite receiver at the

docking area in response to the order wire data." that "...do not disclose a wireless platform transceiver on a mobile platform receiving the order....while the mobile platform is at the docking area." that "...do not disclose a storage unit located on the mobile platform that stores the order wire data." that "...Claim 12 is not properly rejected under...103(a)..." and "...Claims...are not properly rejected under...103(a)..." (see page 7+ of Appellant's Brief).

In response, Examiner notes Appellant's arguments; however the Examiner disagrees with assertion for several reasons. Appellant has mischaracterized the Leuca reference by making references to a few cited portions and not considering the entire Leuca disclosure. Leuca clearly discloses in figures 1 and 2, **two-way data communication between a mobile platform (Airborne 40, helicopter, space vehicle, etc.) and data terminal station (PC or Laptop computer) and a ground-based data station (Internet), using available air-to-ground bandwidth...the same air-to-ground channel is used for multiplexing data packets from different concurrent user data sessions (requesting or ordering and receiving requested data see col.2, lines 48-57). Leuca further discloses a data server (located on the aircraft)...(API) used...for interacting (user sessions...requesting or ordering, channel changing, etc. and receiving the requested data (Internet data, audio, video, textual and multimedia content available) with the data server and the source of data (see col.1, lines 62-65, col.2, line 58-col.3, line 44 and col.5, line 49-col.6, line 24). The user performing these interactions (channel changing, etc.) controls a source of data (video, etc.) for playback of a program.** Leuca further

discloses a server (33) located in ground-based station (figs 1, 2, col.3, line 18-44 and col.4, line 27-61) and comprising a wireless transceiver, a first satellite receiver (see figures and col.4, line 9-col.5, line 48), and first storage unit, the server (Server 33) being configured to store order data received by the first satellite, and to store video data received by the first satellite receiver in the storage unit in response to the order wire data (col.2, line 58-col.3, line 20 and **line 31-col.6, line 14 clearly discusses the data server on-board the aircraft, receiving and storing requested data via satellite and a Router for directing data packets received to appropriate client terminals 11**), Leuca clearly discloses a satellite receiver on the mobile platform (Aircraft 40); a wireless docking area transceiver; a wireless platform transceiver; a wireless platform transceiver on the mobile platform receiving order wire data and video data from the wireless docking area transceiver while the mobile platform is at the docking area; and a storage unit (server 12), the storage unit being located on the mobile platform, the wireless docking area transceiver providing the video data and the order wire data to the wireless platform transceiver while the mobile platform is at the docking area, where the storage unit stores the video data for playback in the mobile platform and the storage unit storing the order wire data, the order wire data controls a source of video playback of a program being either video data in the storage unit or the satellite receiver, or both the storage unit and the satellite receiver (col.2, line 58-col.3, line 20 and line 31-col.6, line 14). Leuca, teaches a ground-based station, but silent as to the claimed limitation docking area for receiving order wire and video data from a distribution center, and communicates data to the mobile platform while the mobile

platform is at the docking area. In analogous art, this deficiencies are disclosed in **Podowski**, which discloses a docking area [terminal] for a mobile platform [aircraft] (see fig. 1) at which various entertainment and control data are communicated from a distribution center to said mobile platform (see cols. 2-3). Located in the docking area is a server, [41] (fig. 4; col. 3, 11.40-45) comprising a satellite receiver [42] and a storage unit [44] (fig. 4) for storing video data and other data received by the satellite receiver [42] (col. 5, 11.5-35) and subsequently relaying the data to the mobile platform while the mobile platform is at the docking area (col. 6, 11.22-38). In response to information transmitted therewith, the server buffers information packages provided by the distribution center until the information is to be transferred to its respective mobile platform (col. 5, 11.40-53), thereby simplifying the distribution process as experienced by the distribution center (col. 3, 11.54-63). Accordingly the combination of Leuca in view of Podowski is deemed proper, meets all the claims limitations and should be sustained.

As to Appellant's arguments that the Examiner has not established a prima facie case of obviousness, Appellant is reminded that a reference can be relied upon for all that would have reasonably suggested to one of ordinary skill in the art, including non-preferred embodiments and further that, disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments (see MPEP 2123). Leuca discloses two-way data communication between a mobile platform (Airborne 40, helicopter, space vehicle, etc. "moving vehicles, including trains, buses, etc.") and data terminal station (PC or Laptop

computer) and a ground-based data station (Internet), using available air-to-ground bandwidth...the same air-to-ground channel is used for multiplexing data packets from different concurrent user data sessions (requesting or ordering and receiving requested data see col.2, lines 48-57). Leuca further discloses a data server (located on the aircraft)...(API) used...for interacting (user sessions...requesting or ordering, channel changing, etc. and receiving the requested data (Internet data, audio, video, textual and multimedia content available) with the data server and the source of data (see col.1, lines 62-65, col.2, line 58-col.3, line 44 and col.5, line 49-col.6, line 24). The user performing these interactions (channel changing, etc.) controls a source of data (video, etc.) for playback of a program. Leuca clearly discloses a server (33) located in ground-based station (figs 1, 2, col.3, line 18-44 and col.4, line 27-61) and comprising a wireless transceiver, a first satellite receiver (see figures and col.4, line 9-col.5, line 48), and first storage unit, the server (Server 33) being configured to store order data received by the first satellite, and to store video data received by the first satellite receiver in the storage unit in response to the order wire data (col.2, line 58-col.3, line 20 and line 31-col.6, line 14). The only teaching absent from Leuca is docking area for receiving order wire and video data from a distribution center, and communicates data to the mobile platform while the mobile platform is at the docking area, for which Podowski, has been relied upon. Accordingly the combination is deemed proper, meets all the claims limitations and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Annan Q Shang/

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